

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES SWIGART,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 13-5190 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 16). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

This Court recommends that on remand, the Administrative Law Judge (ALJ) shall hold a new hearing and issue a new decision. The ALJ shall explain the weight given to the medical opinions of Dr. Barnes, Dr. Rayls, and Dr. Holttum. The ALJ shall also re-evaluate the weight given Plaintiff's symptom testimony and the medical opinions of Dr. Harmon and Dr. Rasmussen; re-evaluate the residual functional capacity finding; obtain additional vocational expert testimony; and re-evaluate Plaintiff's ability to perform other work. The ALJ may wish to

1 obtain a medical expert to determine the severity of mental impairments and how they impact
2 Plaintiff's ability to work.

3 Plaintiff may be entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. §
4 2412, upon proper request to this Court.

5 Given the fact of the parties' stipulation, the Court recommends that the District Judge
6 immediately approve this Report and Recommendation and order the case **REVERSED** and
7 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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9 DATED this 17th day of July, 2013.

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12 Karen L. Strombom
13 United States Magistrate Judge
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